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WHAT RIGHT HAD A FUGITIVE SLAVE OF SELF-
DEFENCE AGAINST HIS MASTER?

The trial of John Read for the murder of Peter Shipley, at the sessions of the Court of Oyer and Terminer held at West Chester, Penna., in November of 1821, from the particular circumstances attending it, excited an unusual degree of interest, even beyond the limits of the State. The accused had been tried in May for the murder of Samuel G. Griffith, and acquitted. The case was tried before Judge Darlington, president, and Judges Ralston and Davis, associates. Counsel for the Commonwealth, Dick (in the place of Dillingham, prosecuting attorney, who, having been Read's counsel in the former trial, was excluded from taking part against him in this), assisted by Barnard and Duer; for the prisoner, Tilghman and Bell.

Read, the prisoner, a negro, two or three years before came into Pennsylvania from Maryland and represented that, although he was free, an attempt had been made to hold him in slavery, frequently declared himself afraid of kidnappers, and often went armed. He married in Pennsylvania and had one child; hired a house in Kennet Township, and worked about in the neighborhood. On the night of the 14th of December, 1820, his wife was from home; he lay down, but felt uneasy and could not sleep, and then got up and made a fire. About midnight he thought he heard persons walking around the house,—one at length rapped smartly at the door. He asked what was wanted; the person answered they had a search-warrant for stolen goods. Read told them to go away; he believed them to be kidnappers, and if they were not, he had no stolen goods, and if they would wait until morning they might search the house. Soon after they began to force the door. He rolled a barrel of cider against it, and told them if they attempted

to come in he would kill them. They pried the door off the hinges, and it fell over the cider-barrel; at the instant he heard the click of a pistol, and called out, "It is life for life!" One of the persons said, "Rush on, Shipley; d—n the nigger, he won't shoot." A person attempted to enter, he shot him; another attempted to come in, he struck him with a club, the man fell on his knees, and as he arose Read struck him once or twice. Seizing his gun he ran to a neighbor's and told him that the kidnappers had attacked his house; that he had killed two, and asked for more powder, as he was afraid they would pursue him. He made no attempt to escape, and was arrested.

When the neighbors came upon the ground in the morning, they found Mr. Griffith lying on the bed in Read's house, dead. Mr. Shipley, the overseer, carried Griffith there, and then went to Mrs. Harvey's, about one hundred yards distant, and prevailed upon her to let him in. There he languished eight days and died. Read's club was found in the house, close by the cider-barrel; two pistols, loaded, one of them cocked, a whip, and a pair of gloves were found at the door; and a pair of handcuffs and a rope were found in the pockets of Mr. Shipley. A third pistol was found on Mr. Griffith. There were but two wounds upon Mr. Shipley.

It appeared sufficiently clear that Read was the child of Muria, formerly an African queen, recently a slave, and no proof of his manumission was shown. He was claimed by Mr. Griffith, from whose service he had absconded. Having ascertained where he was, Mr. Griffith, his overseer, Mr. Shipley, and two assistants, Minner and Pearson, came to the house occupied by Read, about midnight, and made the attempt which resulted in the death of both Griffith and Shipley, as related. The principal points disputed were, 1, Whether Mr. Griffith intended to take Read out of the State without taking him before a judge, in violation of the Act of Assembly; 2, Whether Read knew his master; 3, What right could Read, as a slave, acquire of self-defence in Pennsylvania? 4, Whether he returned, as stated that he

confessed to one witness, from the fence and beat Mr. Shipley. The case was fully and ably argued. Mr. Dick, for the Commonwealth, took up about one hour and a half in an argumentative address. He was followed by Mr. Bell, on behalf of the prisoner, and he by Mr. Tilghman, who spoke from three o'clock until after seven. Mr. Duer, in conclusion, on the part of the Commonwealth, contended that the master had a right under the Act of Congress, at any time and place, and at any hour, by himself or his agent, to seize his slave; that the slave had no right to resist his master; that his house was no protection; that, therefore, the master and the deceased Shipley, his overseer, were in the exercise of a legal right, and Read, in resisting, was perpetrating a wrong; that he must have known his master, and that the killing, in resisting the legal attempt to arrest him, was murder in the first degree.

Judge Darlington then summed up the evidence, and laid down the law in a charge of an hour and a half. He adverted to the delicacy of his situation, having been, on the other trial, attorney for the Commonwealth; but remarked that his regret was considerably diminished by the consideration that the jury were the judges of the law as well as the fact in the case before them. He gave a full and lucid exposition of the whole law on the subject. In respect to the construction of the Act of Assembly of 1820, on which much reliance was placed, he differed from the opinion of Judge Ross, delivered at Norristown. The counsel for the prisoner had contended that by this act the attempt to take any person claimed as a slave out of the State, without taking him before a judge to prove his right, was declared a felony; that from the time and circumstances of the attack, no doubt could exist but that it was the intention of the party to take Read out of the State, in violation of that act; they were, therefore, in the commission of a felony, and Read was justified in resisting unto the death. The counsel for the Commonwealth maintained that this act was intended to prevent kidnapping, or man-stealing; that it did not apply to a master who intended to arrest and reclaim

his runaway slave, whom, by the Act of Congress, he was authorized to arrest, or seize, when and where he could. But Judge Ross had decided that the act had reference to masters' seizing their slaves and taking them out of the State without going before a judge. He was of opinion that such was not the construction, inasmuch as the law so construed inflicted the same penalty (seven years' imprisonment in the penitentiary) upon the acknowledged master, reclaiming his slave and taking him away, as upon the kidnapper who should attempt to carry off a freeman; and this opinion was confirmed by the construction of the Supreme Court of the old Act of Assembly in relation to the same subject. He then examined the evidence and weighed it with great perspicuity and impartiality, expressing his opinion that there was not conclusive proof that Read knew his master or overseer, and intimating very clearly that the witness who testified that the prisoner confessed he returned and beat the deceased until he thought him quite dead, was mistaken.

The jury convicted Read of manslaughter, and he was sentenced to an imprisonment of nine years in the penitentiary.

AN ACCOUNT OF A NAVAL ENGAGEMENT BETWEEN
AN AMERICAN PRIVATEER AND A BRITISH MAN-
OF-WAR, 1778.

[The *London Chronicle*, October 6-8, 1778, contains the following account of an engagement between an American privateer (brigantine), mounting fourteen guns—4- and 6-pounders—and six coehorns, and the British ship "Minerva," commanded by Edward Morrison, of sixteen guns—6-pounders—and ten coehorns, off the Jersey coast, in lat. 38.40° N., and long. 73° W., in May of 1778.—ED. PENNA. MAG.]

"On the evening of May the 25th, we discovered a sail astern, but there being little wind he did not come fast up with us. In the morning of the 26th, saw the vessel still astern, carrying all sail to come up with us. At half past